

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GARY SOUJA, Individually and as
Special Administrator for the Estate of
OSWALD F. SUOJA, Deceased,

Plaintiff,

OWENS-ILLINOIS, INC.'S
PROPOSED SPECIAL VERDICT¹

v.

Case No. 3:99-cv-00475-slc

OWENS-ILLINOIS, INC.,

Defendant.

We, the jury, duly impaneled in the above-entitled action, and sworn to try the issues therein, find as follows:

EXPOSURE

(1) Was Oswald Suoja exposed to asbestos from Owens-Illinois Kaylo?

ANSWER: _____
(Yes or No)

If you answered Question (1) "Yes," then go to Question (2). If you answered Question (1) "No," then do not answer any more questions and go to the End of the Verdict Section.

SPECIFIC CAUSATION

(2) Was exposure to asbestos a cause of Oswald Suoja's death?

ANSWER: _____
(Yes or No)

If you answered Question (2) "Yes," then go to Question (3). If you answered Question (2) "No," then do not answer any more questions and go to the End of the Verdict Section.

¹ Owens-Illinois, Inc. has not received a draft pretrial statement pursuant to the Order in Non-Jury Cases, and reserves the right to modify its Proposed Special Verdict.

SUBSTANTIAL FACTOR CAUSATION

(3) Was exposure to asbestos from Owens-Illinois Kaylo a substantial factor in causing Oswald Suoja's death?

ANSWER: _____
(Yes or No)

If you answered Question (3) "Yes," then go to Question (4). If you answered Question (3) "No," then do not answer any more questions and go to the End of the Verdict Section.

PRODUCTS LIABILITY - NEGLIGENCE

(4) Was Owens-Illinois negligent in failing to include a warning on the Owens-Illinois Kaylo – to which Oswald Suoja was exposed – when it left the possession of Owens-Illinois given the state of the medical and scientific knowledge at the time?

ANSWER: _____
(Yes or No)

If you answered Question (4) "Yes," then go to Question (5). If you answered Question (4) "No," then go to Question (6).

(5) Was that negligent failure to warn by Owens-Illinois a substantial factor in causing Oswald Suoja's death?

ANSWER: _____
(Yes or No)

No matter how you answered Question (5), go to Question (6).

PRODUCTS LIABILITY - STRICT LIABILITY

(6) When the Owens-Illinois Kaylo—to which Oswald Suoja was exposed—left the possession of Owens-Illinois, was the failure to include a warning on Owens-Illinois Kaylo a defective condition so as to be unreasonably dangerous to a prospective user given the state of the medical and scientific knowledge at the time?

ANSWER: _____
(Yes or No)

If you answered Question (6) "Yes," then go to Question (7). If you answered Question (6) "No," then go to Question (8).

(7) Was that failure to include a warning on Owens-Illinois Kaylo a substantial factor in causing Oswald Suoja's death?

ANSWER: _____
(Yes or No)

No matter how you answered Question (7), go to Question (8).

SOPHISTICATED USER

(8) When Oswald Suoja was exposed to asbestos from Owens-Illinois Kaylo, was his employer a "sophisticated user" who knew or should have known the potential danger of Owens-Illinois Kaylo?

ANSWER: _____
(Yes or No)

No matter how you answered Question (8), go to Question (9).

STATUTE OF LIMITATIONS

(9) Was this lawsuit filed more than two years after Oswald Suoja's death?

ANSWER: _____
(Yes or No)

No matter how you answered Question (9), go to Question (10).

CONTRIBUTORY FAULT

(10) Was Oswald Suoja negligent in failing to exercise care for his own safety and protection?

ANSWER: _____
(Yes or No)

If you answered Question (10) "Yes," then go to Question (11). If you answered Question (10) "No," then go to the Comparison of Fault Section.

(11) Was that negligence by Oswald Suoja a cause of his death?

ANSWER: _____
(Yes or No)

No matter how you answered Question (11), go to the Comparison of Fault Section.

COMPARISON OF FAULT

If you answered either Question (5) or Question (7) "Yes," then go to Question (12). If you answered both Question (5) and Question (7) "No," then do not answer any more questions and go to the End of the Verdict Section.

(12) Now you must assign a percentage of fault for every person or entity that contributed to Oswald Suoja's death as explained in the instructions. State your answer by writing a percentage on the appropriate line. Taking 100% of the total, what percentage of the total cause of fault for Oswald Suoja's death do you attribute to each of the following?

Oswald Suoja.....	_____ %
A & M Insulation Co.	_____ %
A.P. Green Inc.	_____ %
AC&S Inc.	_____ %
Allied Insulation Supply Co., Inc.	_____ %
American Ship Building Company	_____ %
API Inc.	_____ %
Armstrong Cork Co.	_____ %
Armstrong World Industries, Inc.	_____ %

Asbestos Claims Management Corp.....	%
Asbestos Insulation & Supply Co.....	%
Babcock & Wilcox.....	%
Baldwin-Ehret-Hill	%
Building Service Industrial Sales Co., Inc.	%
Celotex Corporation.....	%
Christofferson Sons Co.	%
Crown Cork & Seal Co.....	%
Eagle Picher Industries	%
Fibreboard Corporation.....	%
Flintkote Company.....	%
Fuller-Austin Insulation Co.	%
G R Kirk Company	%
GAF Corporation.....	%
Garlock, Inc.....	%
General Electric	%
H K Porter Company Incorporated	%
Industrial Insulation Corporation of Wisconsin	%
Jamar Co.....	%
Johns Manville	%
Kirk Minnesota Co.	%
L&S Insulation Company, Inc.....	%
Lerow Company	%
Mason & Hanger.....	%
McDermaid Roofing & Insulation.....	%
Milwaukee Insulation Co.	%
Mundet Cork Co.	%
National Gypsum	%
Northwestern Insulation Co Inc.....	%
Olin Corporation (Possessor of Badger Ordnance Works).....	%
Owens Corning	%
Owens-Illinois, Inc.....	%
Paul J Krez Co.	%
Philip Carey	%
Pittsburgh Corning Corporation	%
Pittsburgh Plate Glass Co.	%
PPG Industries, Inc.....	%
Rapid-American Corporation.....	%
Raybestos-Manhattan	%
Raymark.....	%
Raytech Industries Incorporated	%
Rockwool Manufacturing Company	%
Ruberoid	%
Sprinkmann Sons Corporation	%
T & N PLC	%

Totman Morgan Co	%
Union Asbestos and Rubber Company (UNARCO)	%
United States Gypsum	%
United States of America (Owner of Badger Ordnance Works)	%
Weil McLain	%
[Add any other party or non-party proved at trial]	%
TOTAL: 100%	

No matter how you answered Question (12), go to Question (13).

DAMAGES

(13) What sum of money will fairly and reasonably compensate the Estate of Oswald Suoja with respect to:

Past medical expenses.....	\$ _____
Pain and suffering	\$ _____
Funeral expenses	\$ _____

No matter how you answered Question (13), go to Question (14).

(14) What sum of money will fairly and reasonably compensate Gary Suoja, individually, with respect to:

Loss of society and companionship	\$ _____
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No matter how you answered Question (14), go to the End of the Verdict Section.

END OF THE VERDICT

When you have answered the question(s) as instructed, then the presiding juror will sign and date this verdict form below, then you will alert the bailiff and all of you will return with your verdict into the courtroom.

Presiding Juror

Dated: _____
Madison, Wisconsin

CERTIFICATE OF SERVICE

I certify that on November 24, 2015, these papers were filed with the Clerk of the Court for the United States District Court for the Western District of Wisconsin using the CM/ECF system, which will send notification of such filing upon all parties who have appeared.

/s/ Brian O. Watson
Brian O. Watson